



## BOARD OF DIRECTORS SPECIAL MEETING (WORKSHOP) AGENDA

Wednesday, June 01, 2022 at 1:00 PM

Via Teleconference – No Live Attendance

NOTICE IS HEREBY GIVEN MISSION SPRINGS WATER DISTRICT BOARD MEETINGS WILL BE CONDUCTED PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER N-29-20 AND CALIFORNIA'S ASSEMBLY BILL 361 IN AN EFFORT TO PROTECT THE PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS). THE PUBLIC MAY ATTEND AND PARTICIPATE TELEPHONICALLY AS THERE WILL BE NO PUBLIC LOCATION FOR ATTENDING IN PERSON. THE AUDIO/VIDEO RECORDING OF THESE MEETINGS MAY BE POSTED TO THE MSWD WEBPAGE FOLLOWING THE MEETING.

THE PUBLIC MAY SUBMIT ANY COMMENTS ADDRESSING ITEMS BELOW BY EMAILING [DPETEE@MSWD.ORG](mailto:DPETEE@MSWD.ORG) PRIOR TO THE START OF THE MEETING OR GIVE REAL TIME COMMENTS BY ATTENDING THE MEETING VIRTUALLY OR TELEPHONICALLY.

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Meeting ID: 822 065 5340

ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THIS AGENDA

### 1. CALL TO ORDER

### 2. ROLL CALL

### 3. PUBLIC INPUT

*This is the opportunity for members of the public to address the Board pertaining to items on this agenda. Please limit comments to three (3) minutes or less. State law prohibits the Board from discussing or taking action on any item not listed on the Agenda (CA Government Code Section 54954.3(b)).*

### ACTION ITEMS

### 4. RESOLUTION 2022-16 IMPLEMENTING LEVEL 2 OF THE MSWD WATER SHORTAGE CONTINGENCY PLAN

It is recommended to adopt Resolution 2022-16, implementing the water reduction actions outlined in the District's Water Shortage Contingency Plan.

### ITEMS FOR DISCUSSION

**5. FY 2022-2023 BUDGET**

Presentation and discussion of the Draft General Managers Recommended FY 2022-2023 Budget.

**6. GENERAL MANAGER'S COMMENTS**

**7. DIRECTORS' COMMENTS**

**8. ADJOURN**

*If you need special assistance to participate in this meeting, please contact the Executive Assistant at (760) 660-4403 at least 24 working hours prior to the meeting.*

**ANY DISCLOSABLE PUBLIC RECORDS RELATED TO AN OPEN SESSION ITEM ON A REGULAR MEETING AGENDA AND DISTRIBUTED BY MISSION SPRINGS WATER DISTRICT TO ALL OR A MAJORITY OF THE BOARD OF DIRECTORS LESS THAN 24 HOURS PRIOR TO THAT MEETING ARE AVAILABLE FOR PUBLIC INSPECTION AT THE DISTRICT OFFICE, 66575 SECOND STREET, DESERT HOT SPRINGS, CALIFORNIA, DURING NORMAL BUSINESS HOURS AND MAY ALSO BE AVAILABLE ON THE DISTRICT'S WEBSITE AT .  
NOTE: THE PROCEEDINGS MAY BE AUDIO AND VIDEO RECORDED.**

**CERTIFICATION OF POSTING**

I certify that on or before May 31, 2022 I posted a copy of the foregoing notice near the regular meeting place of the Board of Directors of Mission Springs Water District at least 24 hours in advance of the meeting (Government Code Section 54954.2).



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Arden Wallum  
Secretary of the Board of Directors

# AGENDA STAFF REPORT

**MEETING NAME:** BOARD OF DIRECTORS (SPECIAL MEETING)

**MEETING DATE(S):** JUNE 1, 2022



**FROM:** MARION CHAMPION, PROGRAMS & PUBLIC AFFAIRS MANAGER

**FOR:** ACTION X                      DIRECTION \_\_\_\_\_                      INFORMATION \_\_\_\_\_

## RESOLUTION 2022-16 IMPLEMENTING LEVEL 2 OF THE MSWD WATER SHORTAGE CONTINGENCY PLAN

### STAFF RECOMMENDATION

In recognition of the ongoing California drought, and as required by State Water Resources Control Board Resolution No. 2022-0018, Emergency Regulation to Reduce Water Demand and Improve Water Conservation, staff recommends the Board of Directors adopt the proposed resolution implementing the Level 2 Demand Reduction Actions outlined in Table 4 of the District’s Water Shortage Contingency Plan.

### SUMMARY

On April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor Newsom proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions. On March 28, 2022, in Executive Order N-7-22, the Governor affirmed the previous orders and called on all Californians to reduce water use and directed specific State agencies to take actions in support of water conservation.

On May 24, 2022, the State Water Board adopted an Emergency Regulation that requires urban water suppliers to submit preliminary supply and demand assessments to the Department of Water Resources prior to June 1, 2022; that defines “non-functional turf” and bans the irrigation of non-functional turf in commercial, industrial, and institutional sectors; and that requires urban water suppliers to implement the demand reduction actions identified in the supplier’s water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).

MSWD adopted a water shortage contingency plan in June 2021. Following are the Level 2 Demand Reduction Actions as outlined in Table 4 of the plan.

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement
2	2.1	Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.	Medium	Yes
	2.2	Restaurants can serve water only on request.	Low	Yes
	2.3	Agency shall encourage use of non-potable water for construction, if available.	Low	No
	2.4	Agency shall actively discourage overseeding.	Medium	No
	2.5	Agency shall expand public information campaign.	Medium	No
	2.6	Agency shall increase water waste patrols.	Medium	Yes
	2.7	Agency shall reduce hydrant and dead-end line flushing.	Low	No

## ANALYSIS

Staff is prepared to implement the operational provisions outlined in Level 2 of the Water Shortage Contingency Plan. Our public outreach team is working with the other Coachella Valley water providers to create a communications campaign that will promote water conservation throughout the Coachella Valley. The District will leverage these campaign materials and perform additional outreach specifically within our service area.

## ATTACHMENTS

Resolution 2022-16

2020 MSWD Water Shortage Contingency Plan, adopted June 2021

SWRCB Emergency Regulation, adopted May 24, 2022

**RESOLUTION NO. 2022-16**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MISSION SPRINGS WATER DISTRICT, ADOPTING STAGE 2  
RESTRICTIONS AS OUTLINED IN THE DISTRICT'S WATER  
SHORTAGE CONTINGENCY PLAN, AND AS REQUIRED BY THE  
STATE WATER RESOURCES CONTROL BOARD'S DROUGHT  
EMERGENCY RULEMAKING**

**THE BOARD OF DIRECTORS** of the Mission Springs Water District ("District") hereby finds and declares as follows:

**WHEREAS**, despite record-breaking storms in October and December 2021, most of California is experiencing a severe drought due to the driest January and February on record. These conditions are worsening quickly and threaten water supplies, impair critical habitat, reduce recreational opportunities, and create uncertainty for all California water users; and

**WHEREAS**, on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, Governor Newsom proclaimed states of emergency that continue today and exist across all counties of California, due to extreme and expanding drought conditions; and

**WHEREAS**, on March 28, 2022, Governor Newsom reaffirmed these provisions and directed the State Water Resources Control Board to consider adopting emergency regulations that will lead to enhanced water conservation and improve drought resiliency; and

**WHEREAS**, on May 24, 2022, the State Water Resources Control Board adopted Emergency Regulations to Reduce Water Demand and Improve Water Conservation (California Code of Regulations, Title 23, section 996 ["Section 996"]), to respond to emergency conditions and facilitate statewide urban water conservation; and

**WHEREAS**, Section 996 imposes, among other things, the following requirements:

- (b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.
- (c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten to twenty percent (Level 2).

- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites. (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

**WHEREAS**, the Mission Springs Water District is an urban water supplier, as defined in Water Code section 10617; and

**WHEREAS**, pursuant to Water Code section 10632, on June 21, 2021, the District adopted Resolution No. 2021-13, adopting the 2021 Water Shortage Contingency Plan (“Plan”); and

**WHEREAS**, Level 2 of the Water Shortage Contingency Plan requires the following Demand Reduction Actions, as set forth in Table 4 (Demand Reduction Actions) of the Plan, as follows:

- 2.1. Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.
- 2.2. Restaurants can serve water only on request.
- 2.3. Agency shall encourage use of non-potable water for construction, if available.
- 2.4. Agency shall actively discourage overseeding.
- 2.5 Agency shall expand public information campaign.
- 2.6. Agency shall increase water waste patrols.
- 2.7 Agency shall reduce hydrant and dead-end line flushing.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The Mission Springs Water District hereby declares that because drought conditions continue to prevail in the state of California, and consistent with State Water Resources Control Board Resolution No. 2022-0018, Emergency Regulation to Reduce Water Demand and Improve Water Conservation, the District is required to invoke the Demand Reduction Actions set forth in its Water Shortage Contingency Plan, at Level 2.

**Section 2.** The District hereby implements Level 2 of its Water Shortage Contingency Plan as outlined in the Demand Reduction Actions set forth in Table 4 of the Plan, to take effect immediately.

**Section 3.** This Resolution shall remain in effect until and unless the State Water Resources Control Board determines it is no longer necessary due to changed conditions or unless the State Water Resources Control Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.

**ADOPTED** this \_\_\_\_ day of June 2022, by the following vote:

Ayes:  
Noes:  
Abstain:  
Absent

ATTEST:

\_\_\_\_\_  
Russ Martin  
President of Mission Springs Water  
District and its Board of Directors

\_\_\_\_\_  
Arden Wallum  
Secretary of Mission Springs Water  
District and its Board of Directors

# Water Shortage Contingency Plan



**Mission Springs Water District**

**June 2021**



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## Introduction

This document represents the Water Shortage Contingency Plan (WSCP) adopted by Mission Springs Water District (MSWD). The document follows the structure recommended in guidance documents prepared by the California Department of Water Resources (DWR).

MSWD is one of six agencies in the Coachella Valley participating in the development of a 2020 Regional Urban Water Management Plan (RUWMP). Each agency is adopting the RUWMP to meet its reporting requirements under the Urban Water Management Planning Act. Each agency is also adopting its own WSCP. The agencies have sought to align their shortage levels and shortage response actions to the extent possible, with the intent of reducing confusion for neighboring customers during a shortage. However, each agency will adopt its own WSCP with slight variations (e.g. penalty processes and amounts) for flexibility in the event that future changes are necessary.

As individual agencies make updates or enhancements to their WSCP, each will be able to make modifications and re-adopt an amended WSCP without triggering a requirement for the other participating agencies to take similar steps. The update process is described in later sections of this WSCP.

### 1.0 Water Supply Reliability Analysis

This section provides a summary of the supply reliability analysis presented in the RUWMP and highlights key issues that could create a shortage condition.

The supplies of the agencies in the Coachella Valley generally have a high degree of reliability. The RUWMP participating agencies meet most of their urban demands with groundwater produced from the Indio (also known as Whitewater River) and Mission Creek Subbasins of the Coachella Valley Groundwater Basin. The groundwater basin is large enough to provide storage that allows continued production during dry periods. Because production exceeds the recharge provided by precipitation and return flows, the agencies use imported water to recharge the groundwater basin. These sources of imported water for recharge include:

- Colorado River water that Coachella Valley Water District (CVWD) receives through the Coachella Canal.
- State Water Project (SWP) water that CVWD and Desert Water Agency (DWA) have rights to receive. Because the SWP infrastructure does not extend into the Coachella Valley, CVWD and DWA have an exchange agreement with the Metropolitan Water District of Southern California (MWD). The agreement allows MWD to deliver water from its Colorado River Aqueduct (CRA) to the Coachella Valley to recharge the local aquifer. In return, MWD receives SWP water through the SWP infrastructure based on the annual allocations to CVWD and DWA.

Drought conditions are not expected to affect CVWD's Colorado River water supply due to the agency's high priority allocation. Colorado River water is not a direct source of urban water supply; it is used for groundwater replenishment and non-potable uses. If a reduction in Colorado River water supply occurred, CVWD would initially reduce deliveries to groundwater replenishment projects. Subsequent reductions in delivery would be applied to users following the priorities in CVWD's Canal Water Shortage Contingency Plan. These priorities are defined in CVWD's Canal Water Shortage Contingency Plan, which is Chapter 3.10, Article XII of CVWD's administrative code.

Drought conditions in the Sierra Nevada would have an effect on the SWP water allocation; thus reducing the SWP Exchange water received by CVWD and DWA. This water is used for replenishment of the groundwater basin and is not a direct source of urban water supply. Consequently, water use restrictions due to drought involving the SWP water supply would likely be implemented only as a result of a prolonged drought.

During dry periods when less imported water is available, groundwater production will exceed the amount of recharge, and the volume in storage will be reduced. However, these reductions can be reversed in years when additional imported water is available. The Coachella Valley Groundwater Basin is a large basin which provides a buffer during dry periods, thus allowing the agencies to develop long-term plans and programs to manage regional water supplies.

The reliability analysis for MSWD is presented in Section 7 of MSWD’s chapter of the RUWMP. Although that analysis demonstrates that the region’s urban water supply is reliable, there are potential issues that could create a shortage condition. These include:

- An extended drought more severe than historic events, possibly impacted by climate change.
- A natural disaster or a malevolent act that leads to prolonged disruption of imported water delivery from the Colorado River or the SWP.
- Reductions in imported water supply due to environmental restrictions related to endangered species or habitat protection.
- Identification of a currently unregulated contaminant that has widespread effects on the region’s groundwater supply.
- Regulatory mandates to reduce water use.

Water shortage contingency planning provides a way to plan for these risks and anticipate actions that can be implemented to manage the impacts. This plan describes how MSWD intends to respond to such shortage events. The responses have been aligned with those of other RUWMP participating agencies to the extent possible.

## 2.0 Annual Water Supply and Demand Assessment Procedures

MSWD will be required to prepare an Annual Water Supply and Demand Assessment (Annual Assessment) and submit it to DWR each year, beginning July 1, 2022. The Annual Assessment is intended to meet requirements of Water Code Section 10632.1 and present an assessment of the likelihood of a water shortage occurring during the next 12 months. This section of the WSCP outlines the procedures that MSWD will use to prepare the Annual Assessment. The procedures defined in this section will allow MSWD to follow a consistent annual procedure for making the determination of whether to activate the WSCP.

### 2.1 Decision Making Process

DWR requires a defined decision-making process for performing the Annual Assessment. The process and anticipated timeline are presented in Table 1.

**Table 1. Annual Assessment Decision-Making Process**

Anticipated Timeline of Each Year	Activities
February	MSWD staff will review available data related to anticipated supplies and demands.
March	The six agencies participating in the Coachella Valley RUWMP will review the data and determine whether a consistent region-wide determination on water supply reliability can be made. If needed, MSWD may elect to activate their WSCP at different shortage levels than other participating agencies.
April	MSWD staff will make a determination whether to recommend implementation of shortage response actions.
May	If shortage response actions are to be implemented, MSWD management will present the recommendation to its Board for consideration.  If the Board decides to implement the WSCP, it will provide public notice of a hearing to consider changes in the implementation of the shortage response actions.
June	MSWD staff will prepare the Annual Assessment and submit it to DWR by July 1 <sup>st</sup> .

## 2.2 Data and Methodologies

This section describes the data and methodologies that will be used to evaluate water system reliability for the coming year, while considering that the year to follow could be dry.

### 2.2.1 Evaluation Criteria

MSWD will rely on locally applicable criteria for each annual assessment. These criteria will include the findings of the annual reports prepared for the Indio Subbasin and the Mission Creek Subbasin for compliance with the Sustainable Groundwater Management Act. Findings from the annual Engineer's Report on Water Supply and Replenishment Assessment will also be incorporated.

### 2.2.2 Water Supply

MSWD's anticipated supplies will be quantified for the near-term future, and descriptive text will be used to note any anticipated reductions in supply.

### 2.2.3 Unconstrained Customer Demand

MSWD will prepare an estimate of unconstrained demand (as the term is used in Water Code Section 10632(a)(2)(B)(i)). The estimated demand will be calculated using the demand projection approach described in Section 4 of MSWD's chapter of the RUWMP, in combination with updated data for connections, climate, changes in land use, and recent water usage history.

### 2.2.4 Planned Water Use for Current Year Considering Dry Subsequent Year

MSWD will describe the anticipated use of water supplies for the coming year, with the anticipation that the following year will be dry. The supplies will be characterized in a manner consistent with the RUWMP, in combination with updated data for climate and recent observations.

### 2.2.5 Infrastructure Considerations

MSWD will describe any potential infrastructure constraints on the ability to deliver adequate supplies to meet expected customer demands in the coming year. MSWD will verify that its system of wells, pipelines, pump stations, and storage tanks have adequate capacity to deliver the anticipated demands. MSWD will describe any anticipated capital projects that are intended to address constraints in production, treatment, or distribution.

### 2.2.6 Other Factors

MSWD will describe any specific locally applicable factors that could influence or disrupt supplies. MSWD will also describe unique local considerations that are considered as part of the Annual Assessment.

## 3.0 Six Standard Water Shortage Levels

MSWD, and the other RUWMP participating agencies, have elected to use the six standard shortage levels included in guidance documents prepared by DWR. The six standard water shortage levels correspond to progressively increasing estimated shortage conditions (up to 10-, 20-, 30-, 40-, 50-percent, and greater than 50-percent shortage compared to the normal reliability condition). These levels are identified in Table 2.

**Table 2. Water Shortage Contingency Plan Levels**

Shortage Level	Percent Shortage Range	Description	Shortage Response Actions
1	Up to 10%	Normal water supplies	Mandatory prohibitions defined by the state, ongoing rebate programs
2	Up to 20%	Slightly limited water supplies	Outdoor water use restrictions on time of day, increased water waste patrols
3	Up to 30%	Moderately limited water supplies	Outdoor water use restrictions on days per week, restrictions on filling swimming pools
4	Up to 40%	Limited water supplies	Limits on new landscaping, expanded public information campaign
5	Up to 50%	Significantly limited water supplies	Limits on watering of parks or school grounds
6	Greater than 50%	Severe shortage or catastrophic incident	No potable water use for outdoor purposes

Each level in Table 2 represents an anticipated reduction in the supplies that would normally be available to MSWD. These supply reductions could be the result of a variety of potential causes including natural forces, system component failure or interruption, regulatory actions, contamination, or any combination of factors. MSWD may need to activate shortage levels across its entire service area or within certain areas that are impacted by an event.

The levels involve voluntary and mandatory conservation measures and restrictions, depending on the causes, severity, and anticipated duration of the water supply shortage. The locally appropriate shortage response actions that would be taken at each level to address the resulting gap between supplies and demands are described in the following section.

#### 4.0 Shortage Response Actions

This section describes the shortage response actions that would be taken by MSWD at each shortage level. These actions have been grouped into categories including:

- Supply Augmentation Actions
- Demand Reduction Actions and Mandatory Use Restrictions
- Operational Changes

##### 4.1 Supply Augmentation

For long-range planning, MSWD continues to evaluate opportunities for transfers, exchanges, and other purchases of imported water to increase supply reliability. The RUWMP participating agencies collaborate to replenish the groundwater aquifer with imported water, creating a stored supply that can be used for emergencies or longer-term shortages. CVWD and DWA, through support of the other participating agencies, are also making investments in increasing supply reliability from the SWP through the Delta Conveyance Facility and in securing new supplies like Sites Reservoir. Additionally, MSWD continues to implement water conservation measures to reduce groundwater demand. These programs are described in Chapter 3 of the RUWMP.

MSWD has the option of identifying short-term supply augmentation actions that would be taken during a shortage. These actions are intended to be separate from the long-range planning efforts to sustainably manage the groundwater basin. The short-term supply augmentation measures that could be implemented are presented in Table 3.

**Table 3. Supply Augmentation Actions**

Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier	Expected Relative Impact	Additional Explanation or Reference
1 - 6	Exchanges	Medium	Emergency connections with neighboring agencies could be activated or constructed to help exchange water with adjoining systems.
5	New recycled water	Medium	In areas where recycled water supply is available, customers could be mandated to use recycled water and cease use of potable water.
6	Other actions	Medium	Additional non-potable water sources such as new groundwater wells could be constructed to provide non-potable water from the Desert Hot Springs Subbasin for irrigation.

**4.2 Demand Reduction Actions and Mandatory Use Restrictions**

The Coachella Valley RUWMP participating agencies have aligned their demand reduction actions to the greatest extent possible, while allowing each agency to tailor its response to the unique characteristics of its service area. The agencies conducted public workshops to gather input on actions that could be taken during a water shortage. The input from stakeholders was used to select and prioritize actions that reflected the values of the community. Key elements of the input included:

- The importance of recognizing the conservation efforts that many customers have already made and not imposing requirements for all customers to meet the same percentage reduction in water use.
- The importance of involving Homeowner Associations (HOAs) to help implement and communicate response actions to individuals.
- The benefits of tiered rates in allowing customers to pay less for their basic efficient use and more for excessive use.
- A balanced program should include incentives (such as expanded rebates for turfgrass removal) as well as penalties (such as drought rates).
- A range of approaches is needed to communicate with customers and end users, including social media, web sites, bill inserts, presentations, and virtual tours, ideally in multiple languages.

The demand reduction actions that could be implemented at each shortage level are shown in Table 4. During a shortage, MSWD may implement some or all of the actions as needed, depending on actual conditions.

**Table 4. Demand Reduction Actions**

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement
1	1.1	Applying any water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.	Low	No
	1.2	Using any water in a fountain or other decorative water feature is prohibited, unless the water recirculates.	Low	No
	1.3	Applying water to driveways, sidewalks, concrete or asphalt is prohibited unless to address immediate health and safety needs. Reasonable pressure washer or water broom use is permitted.	Low	No
	1.4	Spray irrigation of outdoor landscapes during and within 48 hours after rainfall of 0.10 inches is prohibited.	Low	No
	1.5	Using a hose to wash a vehicle, windows, or solar panels is prohibited unless an automatic shut-off nozzle or pressure washer is used.	Low	No
	1.6	Broken sprinklers shall be repaired within five business days of notification by agency, and leaks shall be repaired as soon as practical.	Low	No
	1.7	Draining and refilling of private swimming pools is discouraged, unless necessary for health and safety or leak repair.	Low	No
	1.8	Hotels will provide guests the option of choosing not to have towels and linens laundered daily.	Low	No
	1.9	Agency shall discourage overseeding.	Low	No
	1.10	Agency shall provide rebates for landscape efficiency.	High	No
	1.11	Agency shall offer water use surveys/audits.	Medium	No
	1.12	Agency shall provide rebates on plumbing fixtures and devices.	Medium	No
2	2.1	Outdoor water use is prohibited during daylight hours for spray irrigation except for leak checks or with an agency approved conservation alternative plan.	Medium	Yes
	2.2	Restaurants can serve water only on request.	Low	Yes
	2.3	Agency shall encourage use of non-potable water for construction, if available.	Low	No
	2.4	Agency shall actively discourage overseeding.	Medium	No
	2.5	Agency shall expand public information campaign.	Medium	No
	2.6	Agency shall increase water waste patrols.	Medium	Yes
	2.7	Agency shall reduce hydrant and dead-end line flushing.	Low	No
3	3.1	Outdoor water use is allowed only three days a week for spray irrigation (Monday, Wednesday, and Friday).	High	Yes
	3.2	Drip or subterranean irrigation is allowed seven days per week, during non-daylight hours.	Medium	Yes
	3.3	Commercial nurseries are to use water only on alternate days during non-daylight hours for outside operations.	Low	Yes
	3.4	Decorative ponds, non-irrigation system golf course water hazards, fountains, and other waterscape features are not to be filled or replenished.	Low	Yes

Shortage Level	ID	Demand Reduction Actions	Expected Relative Impact	Penalty or Enforcement
	3.5	No filling of swimming pools or landscaping ponds unless necessary for health and safety or leak repair.	Low	Yes
	3.6	Commercial car washes must use recycled water or recirculating water systems.	Medium	Yes
	3.7	Spray irrigation of medians and parkways is prohibited.	Medium	Yes
	3.8	Agency shall encourage counties, cities, Homeowners Associations (HOAs) and other enforcement agencies to suspend code enforcement and fines for brown turfgrass areas and to otherwise comply with new State laws regarding limitations on such enforcement.	Low	No
	3.9	Agency shall strengthen customer billing messages with use comparisons.	Medium	No
	3.10	Agency shall implement water use audits targeted to key customers to ensure compliance with directives.	Medium	No
	3.11	Agency shall expand rebate programs.	Medium	No
4	4.1	Turfgrass landscapes may not be watered except where subterranean or non-potable water systems are used.	High	Yes
	4.2	Agency shall implement or modify drought rate surcharge.	High	Yes
	4.3	Agency shall expand public information campaign.	Medium	No
	4.4	Agency shall impose moratorium on new turfgrass landscaping.	N/A	Yes
5	5.1	Watering turfgrass is prohibited.	High	Yes
	5.2	The use of misting systems is prohibited.	Medium	Yes
	5.3	Turfgrass at parks and school grounds are to be watered with recycled water, if available, or not at all.	Medium	Yes
	5.4	Golf course greens and tees may be watered no more than two times per week during non-daylight hours with recycled water, or not at all.	Medium	Yes
	5.5	Trees, desert plants and shrubs may be watered only with drip, subterranean or non-adjustable bubbler irrigation systems during non-daylight hours.	High	Yes
	5.6	Outdoor water use for grading or development is prohibited.	High	Yes
	5.7	Agency shall impose moratorium or net zero demand on new connections.	N/A	Yes
	5.8	Agency shall not issue new construction meters, and water service through construction meters will not be available.	N/A	Yes
6	6.1	Commercial nurseries shall discontinue all use of potable water for watering and irrigation.	Low	Yes
	6.2	Watering of livestock is permitted as necessary.	N/A	Yes
	6.3	Outdoor water use is prohibited.	High	Yes
	6.4	Restaurants must use disposable cups, plates, and utensils.	Low	Yes
	6.5	Agency shall implement mandatory rationing.	High	Yes



### 4.3 Operational Changes

MSWD has identified potential operational changes that could be made to help address a short-term gap between demands and available supplies. These include improved monitoring and analysis of customer water usage, reductions in flushing of hydrants and dead-end lines, and use of emergency connections with neighboring water agencies. Some of the potential actions are included in Table 4. MSWD may also expedite planned system improvement projects that include reduction in water loss (e.g., replacement of water mains that are experiencing higher rates of leaks and breaks).

### 4.4 Additional Mandatory Restrictions

MSWD has identified a series of restrictions that could be implemented at different shortage levels. These restrictions are included in the demand reduction actions in Table 4.

### 4.5 Emergency Response Plan

The Water Code requires that an agency's WSCP address catastrophic water shortages and plans to address them. This information can be addressed in MSWD's Emergency Response Plan (ERP). MSWD's ERP contains sensitive information related to potential vulnerabilities or impacts of natural disasters or malevolent acts. Therefore, these documents are not typically made publicly available. MSWD's plan outlines specific disaster-related procedures to guide staff in responding efficiently to catastrophic interruptions of water supply.

Five of the Coachella Valley RUWMP participating agencies collaborate on planning efforts, including emergency response, through the Coachella Valley Regional Water Management Group (CVRWWMG). In addition, CVWD, DWA, IWA, and MSWD are members of the California Water/Wastewater Agency Response Network (CalWARN), which supports and promotes emergency preparedness. More information about CalWARN is available at their web site at [www.calwarn.org](http://www.calwarn.org).

The region's imported water supplies from the Colorado River and the SWP could be disrupted by an earthquake. Because MSWD uses local groundwater to meet urban demands, it could continue to meet short term urban demands with groundwater production. MSWD has installed backup generators at key water production facilities to allow continued operation during a power outage.

DWR has plans in place to make emergency repairs to the SWP, and MWD has plans in place to make emergency repairs to the CRA. MSWD staff receives regular Incident Command System (ICS) training through the Federal Emergency Management Agency (FEMA), and drills are conducted routinely. MSWD remotely monitors the status of most key facilities at its headquarters, which enables MSWD to detect areas affected by disasters. Other RUWMP participating agencies also participate in ICS training and regularly monitor key water facilities remotely.

If imported water supplies were disrupted for an extended period, it would reduce the water supply available for replenishment of the groundwater basin. It could also lead to increased groundwater pumping by non-urban users who normally use other sources. MSWD would implement levels of this WSCP as needed if pumping needed to be decreased while imported water supplies were interrupted.

### 4.6 Seismic Risk Assessment and Mitigation Plan

Water Code Section 10632.5 requires the RUWMP participating agencies to assess seismic risk to water supplies as part of their WSCP. The code also requires a mitigation plan for managing seismic risks. In lieu of conducting their own seismic risk assessment, which can be a lengthy process, suppliers can comply with the Water Code requirement by submitting the relevant local hazard mitigation plan or multi-hazard mitigation plan.

The Riverside County Local Hazard Mitigation Plan (LHMP) was updated in 2018. The Riverside County LHMP is available on the Riverside County web site at <https://rivcoemd.org/LHMP>. In addition, MSWD also has its own LHMP, as required by FEMA. The Riverside County LHMP includes an assessment of the region's vulnerability to a broad range of hazards, including earthquakes; while MSWD's is focused on the local area. Both also describes mitigation strategies and actions to reduce the impacts of a seismic

event. MSWD continues to include seismic risk assessment in its planning process for system improvements.

## **5.0 Communication Protocols**

Timely and effective communication is a key element of WSCP implementation. MSWD will need to inform customers, the general public, and other government entities of WSCP actions taken during a water shortage (either one determined by the Annual Assessment, an emergency, catastrophic, or other event). An overview of planned communication approaches is provided in Table 5. These protocols have been aligned between the RUWMP participating agencies where possible, but some are tailored to the needs of MSWD's service area. MSWD will adjust its communication strategy as needed to address issues that are impacting the entire service area or limited areas.

**Table 5. Communication Plan Outline**

<b>At all times</b>	<b>Level 1 Up to 10% Voluntary Conservation</b>	<b>Level 2 Up to 20% Mandatory Conservation</b>	<b>Levels 3 and 4 Up to 30% or 40% Mandatory Conservation</b>	<b>Levels 5 and 6 Up to 50% or Over 50% Mandatory Conservation</b>
Standard outreach efforts in effect (media relations, social media, website)	Update message platform to reflect conditions, District response, and needed actions from public	Update campaign and messages to generate immediate actions/behaviors by public, include information on enforcement actions	Update campaign and messages to raise awareness for more severe water-saving actions/behaviors by public, highlight need for reduced outdoor water use	Update campaign and messages to reflect extreme or emergency condition and likely need to focus water use on health/safety needs
Promote ongoing Water Use Efficiency (WUE) programs and tools and partnerships designed to achieve long-term water management goals	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce status change to key stakeholders and general public (e.g., News release, social media, etc.)	Announce emergency status to key stakeholders and general public (e.g., News release, social media, etc.)
Standard coordination with MWD and regional partners	Include increased conservation messages on website and in standard outreach efforts; provide regular condition updates to stakeholders/media	Supplement Level 1 activities with additional tactics as needed; provide regular condition updates to stakeholders/media	Supplement Level 2 outreach with additional tactics as needed; provide regular updates to stakeholders/media on conditions	Supplement Level 3-4 outreach with additional tactics as needed; provide regular condition updates to stakeholders/media on conditions
Board reports on public communication and water-use efficiency outreach activities at least annually.	Enhance promotion of ongoing WUE programs/tools; deploy targeted advertising	Conduct issue briefings with elected officials, other key civic and business leaders	Conduct specialized outreach to HOAs and local organizations	Suspend promotion of long-term WUE programs/tools to focus on imminent needs
	Initiate regular Board reports on campaign efforts	Increase promotion of ongoing WUE programs/tools	Promote available water assistance resources for vulnerable populations; specialized outreach to impacted industries	Continue enhanced coordination with neighbor agencies and local/state/federal policy makers as needed (e.g. daily or weekly briefings or email updates, etc.)

## 6.0 Compliance and Enforcement

This section describes how MSWD will ensure compliance with and enforce provisions of the WSCP. The RUWMP participating agencies have worked together to align their policies where possible, but each agency implements its compliance and enforcement actions within its service area. MSWD will adjust its communication strategy as needed to address issues that are impacting the entire service area or limited areas.

### 6.1 Penalties

The penalties that could be imposed for non-compliance are summarized in Table 6.

**Table 6. Enforcement Actions**

Water Shortage Level	First Violation	Second Violation (within 12 months)	Third Violation (within 12 months)	Subsequent Violations	Additional Information
All	Written notice	\$100 surcharge	\$200.00 surcharge applied to the customer's bill and/or a flow restricting device to be installed in the customer's water service line for continued failure to comply within 30 days after notice and imposition of second violation sanction. The charge to the customer for installing a flow restricting device shall be based upon the size of the meter and the actual cost of installation.	Within 24 calendar months after a first violation: Discontinuance of service Charge for reconnection and restoration of service as provided by the Rules and Regulations of the District \$500 fine per day for each day the violation occurs	Any violation of the District's Water Conservation Stages including waste of water and excessive use is a misdemeanor and upon conviction thereof, the violator shall be punished by imprisonment, fine or by both such fine and imprisonment as allowed by law. In addition to criminal penalties, violators of the mandatory provision of the Ordinance shall be subject to civil action.

### 6.2 Appeals and Exemption Process

This section describes the appeals and exemption processes. Where feasible, specific exemptions can be identified and defined. Where not feasible, the process to appeal or obtain an exemption should be detailed.

Any water user violating the regulations and restrictions on water use may receive a written notice for the violation. The water user shall have seven days from receipt of the notice to submit a written request for a hearing. If no hearing is requested, or at the hearing it is determined that the water user has committed a violation, a civil penalty may be levied.

The government codes and ordinances that are used to implement these policies and processes are discussed in Section 7.

### 7.0 Legal Authorities

This section describes the legal authorities that MSWD relies upon to implement the shortage response actions and the associated enforcement actions.

MSWD’s Water Regulations and Service Ordinance No. 93-3 and 2014-01 implements measures to curtail water use. MSWD is in the process of updating its ordinances to reflect the contents of this WSCP. A copy of the legal authority is included in Appendix A.

In accordance with Water Code Chapter 3 (commencing with Section 350) of Division 1 general provisions regarding water shortage emergencies, MSWD shall declare a water shortage emergency in the event of a catastrophic interruption in supply.

MSWD shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency under California Government Code, California Emergency Services Act (Article 2, Section 8558). Including a list of and contacts for all cities or counties for which MSWD provides service in the WSCP, along with developed coordination protocols, can facilitate compliance with this section of the Water Code in the event of a local emergency as defined in subpart (c) of Government Code Section 8558.

These cities and counties are summarized in Table 7.

**Table 7. City and County Coordination on Proclamation of Emergencies**

City or County	Contact	CVWD	CWA	DWA	IWA	MDMWC	MSWD
Riverside County	Emergency Management Department	X	X	X	X	X	X
City of Palm Springs	Emergency Management Coordinator			X			X
City of Desert Hot Springs	Emergency Services Coordinator			X			X

### 8.0 Financial Consequences of WSCP

This section describes the anticipated financial consequences to MSWD of implementing the WSCP. The description includes potential reductions in revenue due to lower water sales and increased expenses associated with implementing the shortage response actions.

Potential financial impacts of implementing the WSCP could include:

- Reduced revenue from reduced water use
- Increased staff costs for tracking, reporting, patrolling, and enforcing restrictions
- Economic impacts associated with water-dependent businesses in the service area

Potential mitigation measures include:

- Triggering of drought rate structures or surcharges
- Using financial reserves
- Reducing operation and maintenance expenses (expenses related to source of supply and pumping will fall due to reduced water production)
- Deferring capital improvement projects

- Reducing future projected operation and maintenance expenses
- Increasing fixed readiness-to-serve charge
- Increasing commodity charge and water adjustment rates to cover revenue shortfalls
- Seeking alternative source of funding, such as state or federal grants or loans
- Other financial management mechanisms

MSWD will monitor financial conditions during a water shortage and take appropriate actions as needed. MSWD maintains financial reserves that can be used to continue operations during a period of reduced water sales. MSWD has the ability to increase water rates or implement surcharges or penalties to increase revenues from water sales.

## 9.0 Monitoring and Reporting

This section describes how MSWD will monitor and report on implementation of the WSCP. MSWD will gather data on key water use metrics and use the data to evaluate the effectiveness of response actions in achieving its intended water use reduction purposes. MSWD will also gather data on customer compliance to evaluate the effectiveness of enforcement actions. MSWD will also gather and report data at frequencies adequate to meet reporting requirements established by the State Water Resources Control Board and other government agencies. The specific reporting requirements are expected to continue to change over the next five years.

MSWD will monitor water use by customers using billing systems and operational control systems to monitor production and consumption. Each customer is metered, and billing records will be compiled and used to observe trends in water consumption. Each groundwater well and water connection point is also metered, and production records will be used to observe trends in water production. Levels in storage reservoirs can be monitored using the operational control systems to help identify potential high usage or leaks. MSWD staff may also perform field visits and record observations to monitor water use and identify potential issues for follow-up.

For each customer, MSWD will aggregate the consumption records by customer class to evaluate response actions and identify potential additional measures.

## 10.0 WSCP Refinement Procedures

MSWD will monitor the implementation of this plan to evaluate its effectiveness as an adaptive management tool. The monitoring and reporting program described in Section 9 will provide information on the effectiveness of the shortage response actions during any shortage levels that may be invoked. If MSWD determines that the shortage response actions are not effective in producing the desired results, MSWD will initiate a process to refine the WSCP. MSWD will consider the addition of new shortage response actions, or changing the levels when shortage response actions are implemented. Suggestions for refinements will be collected from staff, customers, industry experts, and the general public. The RUWMP participating agencies will share data and suggestions for refinement to identify opportunities to increase the effectiveness of the WSCP while maintaining alignment with other agencies in the region when possible.

## 11.0 Special Water Feature Distinction

The RUWMP participating agencies have distinguished swimming pools and spas as recreational water features, while non-pool and non-spa water features are considered decorative water features. This distinction is used in the shortage response actions because decorative water features have the potential to use recycled water, while most pools and spas (recreational water features) use potable water for health and safety considerations. However, this distinction does not apply to the hot mineral spring pools and spas throughout the Desert Hot Springs area; while they are recreational, they also do not rely on potable water.

## 12.0 Plan Adoption, Submittal, and Availability

MSWD adopted this WSCP with the 2020 Coachella Valley RUWMP. The RUWMP and WSCP were made available for public review during May and June of 2021. A public hearing was held on June 21, 2021 to allow public input on the draft RUWMP and the WSCP.

MSWD's governing board adopted the RUWMP and the WSCP at a meeting on June 21, 2021. The resolution of adoption is included as Appendix B.

This WSCP was submitted to DWR through the WUEData portal before the deadline of July 1, 2021. This WSCP was made available to the public on MSWD's web site. Notice was provided to cities and counties in the service area that the WSCP was available on MSWD's web site.

If MSWD identifies the need to amend this WSCP, it will follow the same procedures for notification to cities, counties and the public as used for the RUWMP and for initial adoption of the WSCP. The draft amended WSCP will be made available for public review, and MSWD's Board will hold a public hearing to receive comments on the draft amended WSCP. Once MSWD's Board adopts the amended WSCP, the amended plan will be submitted to DWR and the California State Library, and it will be made available to the public and the cities and counties in the service area through placement on MSWD's web site.

**Appendix A. Legal Authority**



**Appendix B. Resolution of Adoption**

**RESOLUTION NO. 2021-13**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT TO ADOPT THE 2020 REGIONAL URBAN WATER MANAGEMENT PLAN**

**WHEREAS**, the Urban Water Management Planning Act requires urban water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually to prepare and adopt, in accordance with prescribed requirements, an urban water management plan every five years; and

**WHEREAS**, the Urban Water Management Planning Act specifies the requirements and procedures for adopting such urban water management plans; and

**WHEREAS**, the 2020 Coachella Valley Regional Urban Water Management Plan (RUWMP) has been prepared at the direction of Coachella Valley Water District, Coachella Water Authority, Desert Water Agency, Indio Water Authority, Mission Springs Water District, and Myoma Dunes Mutual Water Company, and

**WHEREAS**, the Board of Directors of the Mission Springs Water District wishes to adopt the 2020 RUWMP and has determined the 2020 RUWMP to be consistent with the Urban Water Management Planning Act and to be an accurate representation of the water resources plan for the Mission Springs Water District.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Mission Springs Water District that, on June 21, 2021, this District hereby adopts this 2020 RUWMP for submittal to the State of California.

**ADOPTED** this 21<sup>st</sup> day of June 2021, by the following vote:

- Ayes: Grasha, Martin, Sewell, Wright
- Noes: Duncan
- Abstain:
- Absent:

  
 \_\_\_\_\_  
 Nancy Wright,  
 President of Mission Springs Water District  
 and its Board of Directors

ATTEST:

  
 \_\_\_\_\_  
 Arden Wallum  
 Secretary of Mission Springs Water District  
 and its Board of Directors

**CERTIFICATION OF ADOPTION**

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF RIVERSIDE )

I, Arden Wallum, Secretary of the Board of Directors of Mission Springs Water District, certify that the foregoing is a full, true and correct copy of Resolution No. **2021-13** which was adopted by the Board of Directors of said District at its regular meeting held June 21, 2021.

It has not been amended or repealed.

Dated: June 22, 2021



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Arden Wallum  
Secretary of Mission Springs Water District  
and its Board of Directors



## BOARD OF DIRECTORS REGULAR MEETING MINUTES

Monday, June 21, 2021 at 3:00 PM  
Via Teleconference – No Live Attendance

### CALL TO ORDER

President Wright called the meeting to order at 3:00 PM.

### PLEDGE OF ALLEGIANCE

Pledge and invocation were led by President Wright.

### ROLL CALL

BOARD MEMBERS PRESENT: President Nancy Wright, Vice President Russ Martin, Director Randy Duncan, Director Steve Grasha, Director Ivan Sewell

STAFF MEMBERS PRESENT: Lucas, Macy, Wallum, Ceja, Llort, Murphy, Santos, Hoffert, Boyer, Alzammar, Scott

### **PUBLIC HEARING (MONDAY, JUNE 21, 2021) - RESOLUTION 2021-13 - ADOPTION OF THE 2020 COACHELLA VALLEY REGIONAL URBAN WATER MANAGEMENT PLAN, ADOPTION OF THE 2021 WATER SHORTAGE CONTINGENCY PLAN, AND ADOPTION OF THE APPENDIX L ADDENDUM TO THE 2015 URBAN WATER MANAGEMENT PLAN STAFF RECOMMENDATION**

The Board adopted Resolution 2021-13 adopting, filing, and implementing the 2020 Coachella Valley Regional Urban Water Management Plan, adopt 2021 Water Shortage Contingency Plan, and adopt Appendix L Addendum to the 2015 Urban Water Management Plan.

President Wright opened the public hearing, secretaries report was given.

Staff Report was given by Victoria Llort. Ms. Llort reviewed the key elements of the plan and the water shortage contingency plan. She noted that individual agency chapter can be found in chapters 4-9 and how they meet reporting requirements of the UWMP Act. The Water Shortage Contingency Plan (WSCP) was reviewed with the Board during the updates given at the April and May Board meetings. She noted one of the significant differences between the 2015 plan and the 2020 plan, are the response action levels. Since the previous update in May, the following changes have been made to the WSCP, allowing for leak checks and conservation alt. plans for laylight watering, Level 2, removal of prohibition of initial swimming pool filling, however as a result the group changed prohibition of "outdoor watering" to "outdoor water use", level 6. And lastly moving of prohibition of misting systems from Level 3 to Level 5. The Board will see an update of the WSCP Ordinances and water waste provisions at the July Board meetings. She reviewed other items being amended in the updated plan. Ms. Llort reviewed the ways the group shared this information with the general community and gave the staff recommendations on action of today's items.

At this time, the Board opened the floor to public comment:

**Russell Betts** noted there is much to review but noted that the community of Desert Hot Springs has historically suffered because of a WSCP. He noted that a baseline of conservation is set for the Valley

that everyone needs to meet however the City of Desert Hot Springs has already far exceed this standard. He noted the baseline should be set at what Desert Hot Springs is already achieving.

Mr. Wallum noted that the community has already met the conservation requirements. Ms. Llort added that as we note the six (6) shortage levels, we see flexibility before these levels are enacted. One of the main reasons for a regional plan was to allow for consistency across the valley.

Seeing no more public comment, President Wright closed the public hearing and called for discussion by the Board.

Director Duncan notes that something about this plan doesn't sit right with him. He wished that this agenda item was broken into several different parts. He noted the addendum and the shortage levels and commented that he didn't see any type of public outreach included in the plan. He stated he felt this plan was government overreach and a self-imposed power grab. Ms. Llort noted that she is happy to provide Director Duncan with each of the shortage level(s) public outreach plans but emphasized that this plan does include increased public outreach and education for conservation. Regarding appendix L, she noted that the consultant who help facilitate the plan is on this meeting and can elaborate on that plan. The consultant (Water Systems Consulting) noted that appendix L is a fairly narrow document trying to show that the region as a whole is reducing their reliance on water from the Delta. The idea is that this will help smooth out the approval process for any future projects that could help increase the reliability of that supply. He then noted that the WSCP, the six stages and action were developed to create alignment between the six agencies.

Vice President Martin asked Director Duncan if the changes Director Duncan would like to make are substantial. Director Duncan noted that he doesn't have any specific changes and that this plan is government overreach.

Director Grasha stated he tends to agree with Director Duncan and felt that this should be two separate documents to act on today. He also asserted that we are not currently in a drought. Ms. Llort noted that the WSCP is part of the Regional Urban Water Management Plan.

Mr. Wallum noted that he wished the Board would have provided this feedback at the previous updates given to the Board over the last six months.

**Motion made by Director Grasha, Seconded by Director Sewell.**

**Voting Yea:** President Wright, Vice President Martin, Director Grasha, Director Sewell

**Voting Nay:** Director Duncan

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2022-0018**

TO ADOPT AN EMERGENCY REGULATION  
TO REDUCE WATER DEMAND AND IMPROVE WATER CONSERVATION

WHEREAS:

1. On April 21, May 10, July 8, and October 19, 2021, Governor Newsom issued proclamations that a state of emergency exists statewide due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. These proclamations urge Californians to reduce their water use.
3. On March 28, 2022, Governor Newsom signed an Executive Order directing the State Water Resources Control Board (State Water Board or Board) to consider adopting emergency regulations to increase water conservation. The Executive Order includes a request that the Board require urban water suppliers to implement Level 2 of their water shortage contingency plans, establish water shortage response actions for urban water suppliers that have not submitted water shortage contingency plans, taking into consideration model actions that the Department of Water Resources, and establish a ban on the irrigation of non-functional turf by entities in the commercial, industrial, and institutional sectors.
4. Many Californians and urban water suppliers have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought requires additional conservation actions from urban water suppliers, residents, and the commercial, industrial, and institutional sectors.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend limited water supplies through this summer and into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers added flexibility to manage their systems effectively over time. The more water that is conserved now, the less likely it is that a community will experience dire shortages that may require water rationing or other emergency actions.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for irrigation of lawns and outdoor landscaping irrigation. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. The use of potable water to irrigate turf on commercial, industrial, or institutional properties that is not regularly used for human recreational purposes or for civic or community events can be reduced in commercial, industrial, and institutional areas to protect local water resources and enhance water resiliency.
8. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](http://SaveOurWater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
9. [SaveWater.CA.Gov](http://SaveWater.CA.Gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Board and relevant local water supplier.
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
11. On March 28, 2022, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
12. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
13. On May 13, 2022, the State Water Board issued public notice that it will consider the adoption of the regulation at the Board’s regularly scheduled May 24, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
14. The emergency regulation exempts suppliers from enforcing connection moratoria, if their Level 2 demand management actions call for them, because new residential connections are critical to addressing the state’s housing supply shortage. However, the Board recognizes connections for other projects may not be appropriate given the shortage conditions and urges water suppliers to carefully evaluate new development projects for their water use impacts.

15. Disadvantaged communities may require assistance responding to Level 2 conservation requirements, including irrigation restrictions, temporary changes to rate structures, and prohibited water uses. State shortage contingency plans aimed at increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation. This assistance should include but not be limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
16. The Board directs staff to consider the following in pursuing any enforcement of section 996, subdivision (e): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
17. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 16. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 996, as appended to this resolution as an emergency regulation that applies to urban water suppliers, as defined by Water Code section 10617.
2. State Water Board staff shall submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

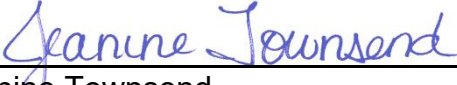


- 4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
- 5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulation.
- 6. The State Water Board directs staff to, by January 1, 2023, survey urban water suppliers on their experience protecting trees and tree cover during drought, with attention to disadvantaged communities. The survey shall inquire about challenges encountered, strategies used, costs, and successes in protecting trees.
- 7. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

**CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 24, 2022.

- AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Sean Maguire  
Board Member Laurel Firestone
- NAY: None
- ABSENT: Board Member Nichole Morgan
- ABSTAIN: None

  
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 Jeanine Townsend  
 Clerk to the Board

## ADOPTED EMERGENCY REGULATION TEXT

*Version: May 24, 2022*

### **Title 23. Waters**

#### **Division 3. State Water Resources Control Board and Regional Water Quality Control Boards**

#### **Chapter 3.5. Urban Water Use Efficiency and Conservation**

#### **Article 2. Prevention of Drought Wasteful Water Uses**

##### § 996. Urban Drought Response Actions

(a) As used in this section:

(1) “Commercial, industrial and institutional” refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners’ associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities’ members or separate interests.

(2) “Common interest development” has the same meaning as in section 4100 of the Civil Code.

(3) “Community service organization or similar entity” has the same meaning as in section 4110 of the Civil Code.

(4) “Homeowners’ association” means an “association” as defined in section 4080 of the Civil Code.

(5) “Non-functional turf” means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) “Plant factor” has the same meaning as in section 491.

(7) “Separate interest” has the same meaning as in section 4185 of the Civil Code.

(8) “Turf” has the same meaning as in section 491.

(9) “Urban water supplier” has the same meaning as Water Code section 10617.

(10) “Water shortage contingency plan” means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section

10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

- (c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).
- (2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.
- (3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:
- (i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.
- (ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.
- (iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.
- (d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:
- (1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.
- (2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.
- (3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

- (e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.
- (2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.
- (3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.
- (f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.
- (g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
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